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N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

Administrative Action

DANIEL RIPPS, D.D.S. :

FINAL DECISION AND ORDER

TO PRACTICE DENTISTRY IN THE :
STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Dentistry (hereinafter "Board") upon the filing of an Order to Show Cause and Administrative Complaint on April 24, 1995, by Deborah T. Poritz, Attorney General of New Jersey (Deputy Attorney General Kathy Rohr appearing) alleging that on April 18, 1994 respondent entered a plea of guilty in the Supreme Court of New York, County of New York, to the crime of offering of a false instrument for filing in the first degree, in violation of §175.35 of the New York State Penal Law. Respondent thereby admitted that he submitted false claims for services to the New York State Medical Assistance Program causing the programs to pay him for procedures and services that had not been provided. Subsequently, on June 29, 1994, pursuant to the plea agreement reached between the State of New York and the respondent, Daniel Ripps, D.D.S., was sentenced as follows: 1) five (5) years of probation to expire on June 28, 1999; 2) reimbursement to the State of \$16,816.00 plus 5% designated surcharge.

The Complaint also alleged that respondent submitted a late biennial renewal application for a license to practice dentistry for the period November 1, 1993 to October 31, 1995. The complaint concluded with the allegation that the crime of which respondent was

convicted constitutes a crime involving moral turpitude, and relates adversely to the practice of dentistry within the meaning of N.J.S.A. 45:1-21(f) and N.J.S.A. 45:6-7(b); that the conviction and underlying facts establish a failure to maintain good moral character in violation of N.J.S.A. 45:6-3 and professional misconduct in violation of N.J.S.A. 45:1-21(e); and that respondent's submission of false claims establishes his use or employment of fraud or deception pursuant to N.J.S.A. 45:1-21(b). Respondent denied the charges and a hearing was scheduled.

On the hearing date of this matter, May 17, 1995, respondent, appearing pro se, retracted his answer by indicating that he was not contesting the allegations of the Complaint, and he requested an opportunity to plea in mitigation of penalty¹. The Board voted to accept respondent's stipulation to the allegations of the Complaint, which were therefore taken as proven, and went on to hear testimony regarding penalty. The Board considered the information submitted by and the testimony of, respondent, as well as the nature of the crimes for which he was convicted.

DISCUSSION

The Board has considered the record in this matter and the information submitted by respondent in mitigation of penalty. The nature and seriousness of the crimes committed by respondent cannot be

¹ Entered into evidence at the hearing were the following:

S-1 - January 19, 1995 letter signed by Daniel Ripps.

S-2 - April 17, 1995 letter to Kathy Rohr, D.A.G. signed by Jean M. Swendsen of New York Medicaid Fraud Control including the following attachments: Final Medical Professional Referral Form, Indictment, Plea minutes, Sentence minutes, Certificate of conviction and Notification of HHS exclusion action.

minimized or overlooked, nor the effect that the offenses and subsequent conviction have on the scarce funds available to those who depend upon receiving services from the medicaid program. We must also consider the effect on the profession as a whole. Dr. Ripp's theft was substantial. He was originally indicted on thirteen (13) counts of criminal conduct, and through his fraudulent acts he was found to be subject to reimbursement of over sixteen thousand (\$16,000) dollars to the State of New York. Additionally, respondent's thievery was not an isolated incident but consisted of a multitude of lies and fraudulent claims against New York's Medicaid programs over a period of 1 1/2 years from July 1991 through December 1992.

Respondent repeatedly claimed before us that he was uninformed regarding the proper running of a medicaid practice. This claim gives us little solace. It was obviously respondent's basic professional responsibility to learn how to conduct his office before engaging in such a practice. Unequivocally, respondent's actions and convictions give rise to questions concerning his honesty and integrity and thereby his moral character and fundamental capacity to engage in the profession. Additionally, respondent's testimony before this Board evidenced a pattern of itinerant practice, moving from place to place in short periods of time over many years. His testimony left the Board little alternative to consider any penalty other than revocation of license.

DECISION AND ORDER

The Board recognizes the serious personal losses which respondent may have suffered thus far as a result of his conviction,

but has determined that the seriousness of the crimes committed outweigh the personal considerations.

THEREFORE, IT IS ON THIS 26th DAY OF May, 1995,

ORDERED: Respondent's application for late renewal of his license is denied; and it is further

ORDERED: The license of respondent, Daniel Ripps, D.D.S., to practice dentistry in the State of New Jersey is revoked effective on the oral announcement of this order on the record on May 17, 1995. Respondent shall immediately surrender his wall certificate and license to the Board, and it is further

ORDERED: Respondent shall not be permitted to reapply for licensure until the expiration of five (5) years from the effective date of the revocation of his license.

N.J. State Board of Dentistry

By: _____

Stephen Candio, D.D.S.
President